

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ISRAEL GARCIA JR.,)	
)	
Plaintiff,)	
v.)	Case No.
)	
VISION FINANCIAL CORPORATION,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Vision Financial Corporation (“Vision”), hereby removes the above captioned civil action from the 40th Judicial District Court, Ellis County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division. The removal of this civil action is proper because:

1. Vision is the only defendant in a civil action filed by plaintiff, Israel Garcia Jr. (“plaintiff”), in the 40th Judicial District Court, Ellis County, Texas, captioned as *Israel Garcia Jr. v. Vision Financial Corporation*, Case No. 90566 (hereinafter the “State Court Action”).

2. Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The Complaint in the State Court Action (hereinafter the “State Court Action Complaint”) asserts claims under the federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, *et seq.*

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff’s TCPA claims pursuant to 28 U.S.C. § 1331.

5. Pursuant to 28 U.S.C. § 1446(b), Defendant has timely filed this Notice of Removal. Vision was served with process on December 11, 2014. This Notice of Removal is being filed within 30 days from service of the Complaint on Defendant.

6. As of the date of this filing, all named defendants that have been served with the State Court Action Complaint consent to removal of the State Court Action.

7. Attached hereto as **Exhibit A** and incorporated by reference as part of this Notice of Removal is a true and correct copy of the Petition filed in the State Court Action. No further proceedings have taken place in the State Court Action.

8. A copy of this Notice of Removal is being served upon Plaintiff and filed concurrently with the 40th Judicial District Court, Ellis County, Texas.

9. The 40th Judicial District Court, Ellis County, Texas is located within the Northern District of Texas. Therefore, venue for purposes of removal is proper because the United States District Court for the Northern District of Texas embraces the place in which the removed action was pending. *See* 28 U.S.C. § 1441(a).

10. Removal of plaintiff’s State Court Action is proper under 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, Defendant, Vision Financial Corporation, hereby removes the State Court Action to this Honorable Court.

Respectfully submitted,

/s/ Whitney L. White

Whitney L. White, Esq.

TX Bar No. 24075269

Sessions, Fishman, Nathan & Israel, L.L.C.

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Attorney for Defendant,

Vision Financial Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of January, 2015, a copy of the foregoing **Notice of Removal** was electronically filed with the Clerk of the Court, United States District Court for the Northern District of Texas and served via U.S. Mail upon the following:

Israel Garcia Jr.
115 Evening Star Cir.
Red Oak, TX 75154
Telephone: 972-816-6374
Igarci75115@yahoo.com

/s/ Whitney L. White
Whitney L. White